United Nations CEDAW/C/DEU/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Germany*

1. The Committee considered the combined seventh and eighth periodic reports of Germany (CEDAW/C/DEU/7-8) at its 1482nd and 1483rd meetings (see CEDAW/C/SR.1482 and CEDAW/C/SR.1483), held on 21 February 2017. The Committee's list of issues and questions is contained in CEDAW/C/DEU/Q/7-8 and the responses of Germany are contained in CEDAW/C/DEU/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation.

3. The Committee commends the State party on its multisectoral delegation, which was headed by the Parliamentary State Secretary of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Elke Ferner, and included representatives of the Federal Foreign Office, the Federal Ministry of Labour and Social Affairs, the Federal Office for Migration and Refugees, the Federal Ministry of Justice and Consumer Protection, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (federal states), the Berlin Senate the Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva. The Committee appreciates the constructive dialogue held between the delegation and the Committee.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2009 of the State party's sixth periodic report (CEDAW/C/DEU/6) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

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(a) Amendment to section 177 of the German Criminal Code (2016), enshrining the principle of "no means no";

(b) Disability Inclusion Act (2016), which protects women with disabilities from discrimination;

(c) Federal Equality Act (2015) and Act on the Equal Participation of Women and Men in Leadership Positions (2015);

(d) Minimum Wage Act (2015), which benefits many women engaged in low-paying jobs;

(e) The forty-seventh Criminal Law Amendment Act (2013), which makes female genital mutilation a separate criminal offence under section 226a of the Criminal Code.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of:

(a) Second national action plan (2017) on the implementation of Security Council resolution 1325 (2000) on women and peace and security;

(b) National action plan on the Convention on the Rights of Persons with Disabilities (2016);

(c) National action plan on business and human rights (2016);

(d) Policy regarding integration, housing, health care and education for refugees and asylum seekers, including unaccompanied minor children (2011-2015);

(e) National hotline for violence against women, in 2013.

6. The Committee welcomes the fact that, since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2013;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2009;

(c) International Convention for the Protection of All Persons from Enforced Disappearance, in 2009;

(d) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2009.

7. The Committee commends the State party on its significant and generous efforts in receiving high numbers of asylum seekers and refugees forced to flee their countries throughout 2015 and early 2016. The humanitarian leadership and commitment demonstrated by the State party, at a critical moment for refugee protection in Europe, set an impressive example in terms of credibility, respect for international human rights standards and international protection.

C. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Bundestag and the Bundesrat and the parliaments of the federal states, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Implementation of the Convention, the Optional Protocol thereto and the Committee's general recommendations

9. The Committee welcomes the many efforts being made by the State party to disseminate the Convention. Nevertheless, it is concerned that disparities remain in the implementation of the Convention across the federal states and municipalities remain. It is also concerned about the limited awareness among the judiciary and legal professionals of the Convention, the Optional Protocol thereto and the general recommendations of the Committee.

10. **The Committee recommends that the State party strengthen training provided by the German Judicial Academy and enable judges, prosecutors and lawyers to directly apply or invoke the Convention and the Optional Protocol thereto in the national courts.**

Application of the Convention under the federal system

11. Cognizant of the complex federal and constitutional structures in the State party, the Committee notes as positive the substantial efforts being made to strengthen coordination of the implementation of the Convention, including through ministerial conferences at the federal state level. It also notes the publication of the third Gender Equality Atlas for Germany in 2017, which will serve as an important tool to advance women's rights throughout the State party. The Committee nevertheless remains concerned that in areas under the exclusive responsibility of the federal states, the Convention is not applied consistently.

12. **The Committee, taking into account the legal responsibility and leadership role of the federal Government in the implementation of the Convention, reiterates its previous recommendation (see CEDAW/C/DEU/CO/6, para. 16) that effective coordination of the structures at all levels be strengthened in order to ensure the uniformity of results in the implementation of the Convention throughout the State party. It also recommends that the State party strengthen the mandate of the German Institute for Human Rights and grant it the authority to ensure the transparent, coherent and consistent implementation of the Convention throughout its territory.**

Legislative framework

13. The Committee welcomes the constitutional provisions, laws, administrative norms and policies promoting gender equality and defining sex as a prohibited ground for discrimination that have been adopted since the previous periodic review. Nevertheless, the Committee is concerned that the General Act on Equal Treatment (2006) remains limited in scope and fails to comprehensively protect women from gender-based discrimination in the domestic and private spheres. While the Committee notes the shift in the burden of proof in civil and administrative proceedings concerning discrimination, it points out that the period during which discrimination claims can be made remains extremely limited. The Committee is also concerned that group action enabling women's organizations and trade unions to bring cases of discrimination before the courts is currently not provided for through the Act. In addition, it is concerned that article 9 of the Act provides for questionable differential treatment on the grounds of religion or beliefs.

14. **The Committee recommends that the State party amend the General Act on Equal Treatment in line with the proposals outlined in the evaluation conducted by the Federal Anti-Discrimination Agency and ensure that its range of application is expanded. It therefore recommends that the State party introduce the right of group action on the part of women's organizations and trade unions to bring discrimination cases before the courts and extend the deadline for submitting discrimination complaints to at least six months. It also recommends that dismissals be added to the Act and that article 9 of that Act be abolished.**

Extraterritorial State obligation

15. The Committee is concerned about:

(a) The negative impact of the conduct of transnational companies, in particular textile and large-scale agricultural corporations registered or domiciled in the State party and operating abroad, on the enjoyment of the rights enshrined in the Convention by local women and girls in third States;

(b) The inadequate legal framework to hold companies and corporations registered or domiciled in the State party accountable for violations of women's human rights abroad, and the lack of a gender perspective in the national action plan on business and human rights;

(c) The absence of an effective independent mechanism with the power to investigate complaints alleging violations by such corporations, such as allegations of forced evictions by German companies based abroad, and the limited access to judicial remedies of women who are victims of such violations;

(d) The lack of impact assessments explicitly taking into account women's human rights before the negotiation of international trade and investment agreements.

16. **The Committee recommends that the State party:**

(a) **Strengthen its legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad,**

including by requiring those corporations to conduct human rights and gender impact assessments before making investment decisions;

(b) Introduce effective mechanisms to investigate complaints filed against those corporations, with a mandate to, among other things, receive complaints and conduct independent investigations, and incorporate a gender perspective into the national action plan;

(c) Adopt specific measures, including a mechanism for redress to facilitate access to justice on behalf of women who are victims of human rights violations, and ensure that judicial and administrative mechanisms in place take a gender perspective into account;

(d) Ensure that trade and investment agreements negotiated by the State party recognize the primacy of its international human rights obligations over investors' interests and that the introduction of investor-State dispute settlement procedures through the Comprehensive Economic and Trade Agreement does not create obstacles to full compliance with the Convention.

National machinery for the advancement of women, and gender mainstreaming

17. The Committee welcomes the increased budget allocation for the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in 2017, along with the efforts made by the State party to strengthen cooperation among relevant institutional structures and mechanisms. Nevertheless, the Committee remains concerned about:

(a) The lack of an overall integrated strategy for gender mainstreaming, along with the absence of sufficiently gender-disaggregated data collection or mechanisms for comprehensive monitoring and impact evaluation;

(b) The absence of a comprehensive national gender equality strategy, policy or action plan to address the structural factors perpetuating gender inequalities;

(c) The State party's reluctance to implement gender budgeting at the federal level notwithstanding the reported success of adopting such an approach in some federal states;

(d) The limited mandate of the Federal Anti-Discrimination Agency, which, notwithstanding its increased resources, continues to lack sufficient authority to file or support court cases, launch investigations or impose sanctions in response to discrimination claims;

(e) Provisions in the Federal Equality Act that restrict the appointment of gender equality delegates and deputy delegates to women;

(f) The negative impact that the limited allocation of resources for gender issues by the Federal Ministry for Economic Cooperation and Development has on the full and effective implementation of its Gender Equality in German Development policy and its gender action plan.

18. **The Committee reiterates its previous recommendations (see CEDAW/C/DEU/CO/6, para. 24) that the State party:**

(a) Reinforce the integrated approach to gender mainstreaming and introduce effective monitoring and accountability mechanisms, including

through the systematic continuation of gender impact assessments of legislation across all ministries, ensuring that evaluation is measured on the basis of compliance with relevant targets and indicators and effective data collection;

(b) Develop a comprehensive national gender strategy, policy and action plan addressing the structural factors causing persistent inequalities, including intersecting forms of discrimination against disadvantaged and marginalized women and girls;

(c) Adopt an integrated gender-budgeting process (including the implementation of the Sustainable Development Goals) that includes effective monitoring and accountability mechanisms across all sectors and levels of government, drawing on the experience of the federal states that have successfully implemented such processes;

(d) Strengthen the mandate of the Federal Anti-Discrimination Agency and provide it with the authority necessary to file court cases, launch investigations and impose sanctions; ensure that it is provided with adequate human, technical and financial resources to implement its mandate effectively; and establish and sustain independent anti-discrimination offices in all federal states;

(e) Consider amending the Federal Equality Act to extend eligibility to men for appointment as equality delegates;

(f) Ensure the adequate allocation of human, technical and financial resources to the Federal Ministry for Economic Cooperation and Development so as to allow for the full and effective implementation of its Gender Equality in German Development policy and its gender action plan.

Temporary special measures

19. The Committee commends the State party on the wide-ranging temporary special measures that it adopted during the review period as a means of advancing the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged. It also appreciates the State party's commitment to continuing such an approach in the future.

20. **With reference to general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party continue to adopt and implement measures, either as temporary special measures or as permanent measures, aimed at achieving substantive equality of women and men, and ensure the allocation of resources, the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas in all areas covered by the Convention where women are underrepresented or disadvantaged in both the public and the private sectors.**

Stereotypes

21. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes and notes the pilot projects relating to the portrayal of transgender persons in the media. It is nevertheless concerned that:

(a) Prevailing stereotypes about the roles and responsibilities of women and men in the family and in society continue to impede progress in advancing gender equality;

(b) Stereotyped and sexualized images of women continue to appear in the media and advertisements;

(c) Stereotyped media portrayals and negative images of ethnic minority women and migrant women undermine their ability to become better integrated into society.

22. **The Committee reiterates its previous recommendations (see CEDAW/C/DEU/CO/6, para. 28) that the State party:**

(a) **Strengthen its efforts to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including through awareness-raising campaigns;**

(b) **Establish an education strategy for media professionals comprising guidelines and monitoring mechanisms to eliminate discriminatory stereotypes against women, and encourage gender-sensitive media coverage, in particular in the run-up to elections; introduce measures to promote equal representation of women and men in the media; and strengthen the role of the German Advertising Standards Council to ensure adequate sanctions and enforcement powers in addressing discriminatory gender stereotypes;**

(c) **Introduce incentives to the media to promote positive images of ethnic minority, migrant, refugee and asylum-seeking women.**

Harmful practices

23. The Committee welcomes the adoption of legislative and other measures to combat harmful practices, including the forty-seventh Criminal Law Amendment Act (2013) prohibiting female genital mutilation and the establishment of an inter-ministerial working group on intersexuality/transsexuality. Nevertheless, the Committee is concerned about:

(a) Legislative provisions allowing marriage under the age of 18 years in exceptional cases;

(b) The significant number of girls living in the State party, often from migrant families, who have undergone or are at risk of being subjected to female genital mutilation and other harmful practices;

(c) The limited information and education projects on harmful practices available to ethnic minority and migrant women in particular, along with the inadequate training of health and social services professionals and the lack of adequately provisioned counselling services throughout the State party;

(d) The lack of clear legislative provisions prohibiting the performance of unnecessary medical procedures on infants and children of indeterminate sex until they reach an age at which they are able to provide their free, prior and informed consent;

(e) Inadequate support and the lack of effective remedies for intersex persons who have undergone medically unnecessary surgical procedures at a very early age, often with irreversible consequences, resulting in long-term physical and psychological suffering.

24. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Ensure safeguards to protect girls under the age of 18 years who have been allowed to marry;**

(b) **Systematically collect disaggregated data on the incidence of harmful practices in the State party and continue to strengthen preventive and protective measures to eliminate female genital mutilation;**

(c) **Develop awareness-raising campaigns; ensure that information is readily available to victims of female genital mutilation; ensure that health and social services professionals are sufficiently trained to identify potential victims; and make certain that perpetrators are brought to justice;**

(d) **Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age at which they can provide their free, prior and informed consent; provide the families of intersex children with adequate counselling and support; and ensure that the German Medical Association provides information to medical professionals on the legal prohibition of unnecessary surgical or other medical interventions for intersex children;**

(e) **Ensure the effective access to justice, including by amending the statute of limitations, of intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent; and consider the proposal of the German Ethics Council to establish a State compensation fund.**

Gender-based violence against women

25. The Committee commends the State party on the numerous measures taken to address gender-based violence, in particular through the amendment (2016) to section 177 of the Criminal Code, criminalizing sexual assault through the use of force or the threat of force and rape. It also welcomes the announcement made during the dialogue with the Committee that in 2017 the State party will ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Nevertheless, the Committee is concerned about:

(a) The prevalence of domestic violence against women and the absence of a comprehensive strategy of prevention and early intervention, along with the

prevailing attitudes among judicial authorities that cases of domestic violence are a private matter;

(b) Underreporting of gender-based violence to the police, and low prosecution and conviction rates;

(c) Reports suggesting that women with disabilities, in particular those living in residential institutions, are two to three times more likely to be exposed to violence than other women;

(d) Reported incidents of sexual and domestic violence against women in refugee shelters by their partners, shelter staff or security staff; and the legal restrictions on their freedom, which often force them to wait several months before they can be transferred to an alternative safe shelter;

(e) Incidents of hate crimes and attacks on refugees and asylum seekers in both shelters and camps, causing injury to women and girls;

(f) Gender-based stereotypes and myths surrounding rape within society and among legal professionals;

(g) The fact that, in certain cases, women encounter difficulties in achieving recognition of their situation of particular hardship, which, according to the Residence Act, leads to the abandonment of the requirement for cohabitation in marriage of at least three years to gain an independent right of residence, or their being forced to remain married to a violent spouse to avoid losing their derived right of residence.

26. **The Committee recalls its general recommendation No. 19 (1992) on violence against women and reiterates its previous recommendations that the State party:**

(a) **Enhance its efforts to combat all forms of gender-based violence against women, and take steps to develop a comprehensive prevention strategy to address domestic violence, including through awareness-raising campaigns;**

(b) **Encourage women to report incidents of gender-based violence, including domestic violence, and ensure that cases of violence against women are effectively investigated and perpetrators duly prosecuted;**

(c) **Establish an independent mechanism to monitor cases of violence and abuse in institutions for persons with disabilities, ensuring that such a body is provided with the human, technical and financial resources necessary to implement its mandate fully;**

(d) **Amend the law to ensure that immigration law considerations do not prevent the authorities from taking prompt action to provide protection in cases of gender-based violence;**

(e) **Promptly investigate any incidents of hate crimes or attacks against refugee and asylum-seeking women and girls, and ensure that the perpetrators are duly prosecuted;**

(f) **Undertake awareness-raising campaigns to educate the public about the implications of sexual violence, and strengthen capacity-building programmes at both the federal and the state levels for judges, prosecutors,**

police officers and other law enforcement officials in the strict application of criminal law provisions to sexual violence against women;

(g) Ensure that foreign women are not forced to remain in an abusive marriage by facilitating the recognition of their particular hardship and granting them an independent right of residence;

(h) As announced during the dialogue with the Committee, take all the steps necessary to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence as a matter of priority.

Women and peace and security

27. The Committee commends the State party on its commitment to the implementation of Security Council resolution 1325 (2000), on the launch of its first national action plan on women and peace and security, in 2013 and on the adoption of its small arms principles in 2015. The Committee is nevertheless concerned about the use of arms exported by the State party, including in conflict zones, and the inadequate monitoring by arms-producing corporations of the use of their arms in the context of violence against women, in line with its obligations under the Arms Trade Treaty. It is also concerned that the small arms principles do not mention gender-based violence as a ground for denying an export licence.

28. **The Committee recommends that legislation regulating arms export control be harmonized in line with article 7 (4) of the Arms Trade Treaty and the Council Common Position 2008/944/CFSP of the European Union. It also recommends that, before export licences are granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.**

Trafficking and exploitation of prostitution

29. The Committee welcomes the wide range of legal and structural measures developed by the State party to combat trafficking. Nevertheless, it is concerned about:

(a) The lack of a comprehensive anti-trafficking strategy, and the absence of available disaggregated data on victims of trafficking, or quantitative information on the extent of trafficking in the State party, in particular for purposes other than sexual exploitation;

(b) The low rates of prosecution and conviction in cases of trafficking in women and girls;

(c) The lack of national guidelines for the identification of victims of trafficking;

(d) The lack of systematically organized and harmonized victim assistance, rehabilitation and reintegration measures across all federal states, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking, in particular for migrant women, who are not automatically entitled to temporary residence permits unless they cooperate with the police and the judicial authorities;

(e) The limited measures in place to ensure nationwide multilingual counselling and support for women who are victims of trafficking and women engaged in prostitution, and the inadequate procedures necessary for providing alternative income-generating opportunities to women who wish to leave prostitution.

30. **The Committee recommends that the State party:**

(a) Establish an independent mechanism aimed at supporting a comprehensive and effective anti-trafficking policy, and provide this mechanism with adequate human, technical and financial resources to collect and analyse disaggregated data on trafficking in persons and to conduct statistical and quantitative studies on the extent of trafficking in the State party;

(b) Develop awareness-raising programmes for the police and social workers at the municipal level and investigate, prosecute and adequately punish all cases of trafficking in persons, especially women and girls;

(c) Develop national guidelines for the effective identification of victims of trafficking;

(d) Strengthen measures to systematically identify and provide support to women who are victims and those at risk of trafficking, in particular migrant women and unaccompanied girls, ensuring adequate access to health care, counselling services and redress, including compensation; strengthen the human, technical and financial resources of non-governmental organizations that offer specialized victim protection and support services; and develop gender-sensitive training for social workers dealing with victims of trafficking;

(e) Grant temporary residence permits to enable all victims of trafficking to avail themselves of protective and rehabilitation measures, irrespective of their willingness to cooperate with the police and judicial authorities, and ensure that the authorities adopt a victim-centred approach when granting the recovery and reflection period;

(f) Provide an assessment, in the next periodic report, of the revised criminal law in relation to trafficking in persons as adopted in October 2016, which includes a provision to bring clients of victims of trafficking or sexual exploitation to justice;

(g) Strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing exit programmes and alternative income-generating opportunities.

Participation in political and public life

31. The Committee welcomes the measures adopted by the State party to advance the participation of women in political and public life. Nevertheless, it remains concerned that structural barriers to and discriminatory stereotypes relating to women's engagement in political and public life continue to exclude women from decision-making positions in both elected and appointed positions in public office and within political parties, the judiciary and academia. The Committee is also concerned that, under the Federal Equality Act, specific deadlines are missing from

gender equality plans. It also notes with concern the restricted scope of sanctioning powers and the legal standing in court proceedings of equal opportunities officers.

32. **The Committee reiterates its previous recommendations (see CEDAW/C/DEU/CO/6, para. 32) that the State party strengthen its efforts to increase the number of women in elected decision-making bodies at the federal and state levels and in appointed positions at the municipal level, with a view to achieving the equal representation of women and men in political and public life. It also recommends that awareness-raising campaigns be developed to enhance the understanding that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women's human rights.**

Education

33. The Committee welcomes the measures taken by the State party to address discriminatory stereotypes in education. Nevertheless, it remains concerned that:

(a) Women's human rights have not been broadly integrated into educational curricula, plans and teaching materials in the State party and that only some federal states have adopted gender-sensitive teaching materials, including those that promote diversity and the protection of all minority groups;

(b) Women continue to prefer traditionally female-dominated fields of study and career paths and are underrepresented in certain fields of vocational education and training and of higher education, such as science, technology, engineering and mathematics;

(c) Women continue to be underrepresented in decision-making and senior management positions at all levels of the education system, notwithstanding the welcome measures that have been adopted at the university level;

(d) Refugee and asylum-seeking women and girls have limited access to integration and language courses, which are currently accessible to only refugees with prospects of remaining in the State party and/or recognized refugees.

34. **The Committee recommends that the State party:**

(a) **Encourage the further diversification of the educational choices of women and men and girls and boys, revise educational curricula at the state level to ensure the inclusion of women's human rights, ensure that gender-sensitive teaching materials and teaching materials that promote diversity and the protection of all minority groups are available across all federal states and include a module on gender stereotypes in education within national teacher training programmes;**

(b) **Address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science;**

(c) **Continue to promote and monitor the career development of women in the education system to ensure equal access to senior management positions at all levels of the education system and prevent hidden or indirect discrimination faced by women in this regard;**

(d) **Ensure that all asylum-seeking and refugee children have access to language courses and integration programmes.**

Employment

35. The Committee commends the State party on the wide-ranging measures taken to reconcile family and work life and to address the gender pay gap, and notes as positive the bill on equal pay. Nevertheless, it notes with concern:

(a) The fact that the prevailing gender pay gap (currently 21 per cent) in both the public and the private sector continues to have a negative impact on women's career development and pension benefits owing to insufficient effective implementation of legislation on the principle of equal pay for work of equal value;

(b) The persistence of horizontal and vertical occupational segregation, the concentration of women in the lower-paying service sectors and in temporary and part-time work owing to their traditional role as caregivers for children and the underrepresentation of women in managerial positions in companies;

(c) The gender pension gap, which was 53 per cent in 2016, with men receiving more than women in pension benefits;

(d) The limited access of migrant, refugee and asylum-seeking women and women with disabilities to the formal labour market;

(e) The prevailing negative stereotypes that mothers active in the labour market are confronted with; an income tax system for couples, depending on the combination of the tax collection categories; and social benefit provisions that may adversely affect the full professional integration in the labour market and the financial autonomy and security of women;

(f) The insufficient number of high-quality childcare facilities, notwithstanding the considerable efforts made in this regard.

36. **Reiterating its previous recommendations (see CEDAW/C/DEU/CO/6, para. 40) the Committee recommends that the State party:**

(a) **Strengthen its efforts to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market, including through the continued use of temporary special measures, with time-bound targets, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25; and adopt the bill on equal pay as a matter of priority;**

(b) **Provide skills training and incentives to orient women to non-traditional professions, eliminate horizontal and vertical occupational segregation in the public and private sector, monitor the implementation of temporary special measures to enhance the representation of women in managerial positions in companies and encourage companies to create part-time opportunities in high-level positions;**

(c) **Strengthen the statutory pension as a means of ensuring a decent standard of living for retired women, and amend legislation to prevent a statutory, company or partially State-funded pension from being deducted from basic social security benefits for job seekers;**

(d) Ensure that victims of sexual harassment in the workplace have access to effective mechanisms and remedies, and encourage employers to regularly review company culture to prevent the occurrence of such harassment;

(e) Continue to effectively implement the European Social Fund programme "Strong careers: mothers with a migration background start out"; take into account the needs of other disadvantaged groups of women, especially women with disabilities; and introduce targeted measures to create additional employment opportunities for these women;

(f) Strengthen awareness-raising campaigns to address the prevailing negative stereotypes limiting mothers' integration in the labour market, and review the tax system and social benefit provisions that, depending on the applied combination of the tax collection categories, penalize the full participation of women in employment;

(g) Introduce adequate staffing ratios for day-care centres, ensuring high-quality and reliable after-school care for children, and increase all-day-care options.

Health

37. The Committee welcomes the measures adopted by the State party to integrate a gender perspective into all health sector programmes. Nevertheless, the Committee remains concerned about:

(a) The disparities among federal states in the access to affordable contraceptives of women living in poverty;

(b) In accordance with section 218a (1) of the Criminal Code, the subjection of women who wish to have an abortion on request to mandatory counselling and a mandatory three-day waiting period (which the World Health Organization has declared to be medically unnecessary), and the fact that abortion in such cases is not paid for by health insurance (although in special cases, and after means testing, abortion may be covered in accordance with the Act on Pregnancies in Conflict Situations);

(c) The difficulty that undocumented migrants have in gaining access to non-emergency health care, while attempts to obtain the documentation necessary for non-emergency health services often lead to the claimant being reported to the authorities and subsequently deported.

38. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) Ensure that modern contraceptives are accessible, affordable and available throughout the territory of the State party to all women and girls, in particular those living in poverty and/or in remote areas;

(b) Ensure access to safe abortion without subjecting women to mandatory counselling and a three-day waiting period, which the World Health Organization has declared to be medically unnecessary, and ensure that such procedures are reimbursed through health insurance;

(c) Consider the repeal or amendment of section 87 of the Residence Act, and ensure that undocumented migrants are given the same rights to gain access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported.

Economic empowerment of women

39. The Committee notes as positive the significant investment in the development of childcare facilities, which has improved the compatibility of work and family life in the State party. Nevertheless, the Committee remains concerned that:

(a) Women, in particular single mothers, older women, migrant women and women with disabilities, continue to be disproportionately affected by poverty;

(b) A significant number of parents, predominantly fathers, fail to pay child maintenance, and the often limited and onerous access to maintenance advances are one reason that single-female-headed households are at considerable risk of falling into poverty;

(c) Limited data are available on the economic consequences of divorce on women.

40. **The Committee recommends that the State party:**

(a) Adopt a national poverty-reduction strategy with a focus on the most disadvantaged and vulnerable groups of women, integrating a human rights and gender-based approach and ensuring that the development and implementation of the strategy are fully inclusive, and encourage the active participation of women;

(b) Design a sustainable system of child maintenance payment and introduce a means-tested child allowance along with minimum maintenance payments for children after their parents separate or divorce;

(c) Conduct research and collect disaggregated data to assess the economic impact of divorce on women with a view to adopting public policies and programmes to improve their economic situation.

Rural women

41. The Committee appreciates the written information provided by the State party following the dialogue on rural women. It notes as positive the support provided to the Association of Women in Agriculture since 2010 through conferences and awareness-raising programmes on the gender pay gap, and the various initiatives to promote diversification in agriculture. Nevertheless, it is concerned that:

(a) The gender pay gap in rural areas remains higher than in urban areas;

(b) Inadequate infrastructure, especially in relation to care and welfare, and demographic change and rural migration, may lead to poverty and social exclusion for women, in particular single mothers and older persons.

42. **The Committee recommends that the State party:**

(a) **Address the considerable gender pay gap between rural men and women, and promote the economic empowerment of rural women, in particular women farmers, and ensure their access to and control over land and their access to credit facilities;**

(b) **Ensure that adequate childcare infrastructure is in place, provide training opportunities as a means of increasing diversification and alternative forms of employment to encourage young women to stay in rural areas and increase the supply of care services for older persons.**

Disadvantaged groups of women

Migrant and minority women

43. The Committee notes the efforts of the State party to facilitate the integration of migrant women, especially Muslim and ethnic minority women. Nevertheless, it notes with concern that migrant and minority women continue to be at risk of experiencing intersecting forms of discrimination in access to political life, education, employment and health care.

44. **The Committee recommends that the State party take effective measures to eliminate discrimination against migrant and minority women, in society at large and within their communities, by developing awareness-raising campaigns and engaging with the media to prevent intersecting forms of discrimination against these women.**

Transgender women

45. The Committee notes as positive the establishment of an inter-ministerial working group on intersexuality/transsexuality, and the possible revision of the Transgender Act. Nevertheless, it is concerned about:

(a) The burdensome conditions set for gender reassignment treatment for transgender women (namely, the requirement of two experts' reports and the lengthy period of 12 to 18 months of treatment, often experienced as psychopathologization) required before gender reassignment can be granted, and the unreasonable barriers set up by health insurance companies regarding the coverage of the costs of such treatment;

(b) Incidents of discrimination against transgender women.

46. **The Committee recommends that the State party:**

(a) **Revise the Transgender Act to harmonize it with international standards of non-discrimination and to alleviate and simplify the conditions under which gender reassignment treatment can be obtained, and ensure that health insurance companies reimburse the costs for such interventions without unreasonable barriers;**

(b) **Strengthen efforts to eliminate discrimination against transgender persons, including through awareness-raising campaigns and appropriate training for police officers and the judiciary.**

Refugee and asylum-seeking women

47. While commending the State party for the significant efforts made to receive asylum seekers and refugees, and the integration measures that have been taken, the Committee is concerned that:

(a) The suspension until March 2018 of the right to family reunification of those persons who have been granted subsidiary protection may have a negative impact on women and girls;

(b) Integration measures, while impressive, do not fully address the needs of all asylum-seeking and refugee women, in particular in relation to social and labour integration;

(c) Notwithstanding a considerable increase in staff at the Federal Office for Migration and Refugees, significant backlogs are hindering both the registration of and decision-making on asylum claims.

48. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Review the decision to postpone family reunification for subsidiary protection beneficiaries, given that it is an important legal and safe pathway to ensuring integration, in particular for vulnerable women and girls;**

(b) **Incorporate into national law the provisions of European Union asylum legislation in relation to reception conditions and asylum procedures, reflecting the specific needs of particularly vulnerable refugee and asylum-seeking women in all measures relating to integration;**

(c) **Ensure that the Federal Office for Migration and Refugees is adequately resourced to deal with the significant backlogs that it is currently facing, and ensure that the specific needs of vulnerable groups of asylum seekers and refugees, including women and girls, arriving in the State party are addressed as a priority concern throughout the asylum process.**

Marriage and family relations

49. The Committee is concerned about:

(a) The default rule of joint parental authority, which may lead to a reduction in child maintenance orders with no mechanism to ensure that shared custody is indeed practised and that the orders reflect the reality of the time and cost allocation between parents;

(b) The provisions outlined in the legislation on the marital property regime acquired during marriage, which do not consider the often increased earning potential and human capital of men during marriage, and thus fail to provide sufficient support for women, who may be exposed to poverty owing to their unpaid care responsibilities;

(c) The income tax allowances for families, which lower the tax burden (depending on the chosen tax collection category), but widen the gap in the tax wedge between the first and the second earner, with little overall impact on the labour supply or poverty reduction, thus presenting little incentive for women in a family with children to enter the labour market;

(d) The lack of a State compensation scheme to provide justice and redress to the group of women who divorced in the former German Democratic Republic and for whom recognition of their life employment period of up to 40 years has reportedly been denied under the Unification Treaty and the Pension Transfer Act.

50. **The Committee recommends that the State party:**

(a) **Establish a monitoring mechanism to ensure that shared custody is practised and that child maintenance orders reflect the reality in relation to the time and cost allocation between parents;**

(b) **Ensure that single-female-headed households are not penalized owing to protracted time out of work as a result of women's care responsibilities;**

(c) **Eliminate income tax allowances for families that lower the tax burden but widen the gap in the tax wedge between the first and the second earner, and introduce incentives to encourage women who live in families to enter the labour market;**

(d) **Establish a State compensation scheme to provide redress by supplementing the pensions of women who divorced in the former German Democratic Republic.**

Beijing Declaration and Platform for Action

51. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

52. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

53. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (federal and state), in particular to the Bundestag, the Bundesrat, the parliaments of the federal states and federal and state ministries and courts, to enable their full implementation.**

Ratification of other treaties

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 38 (b), 40 (b), 48 (b) and 50 (d) above.

Preparation of the next report

56. The Committee invites the State party to submit its ninth periodic report in March 2021. In case of delay, the report should cover the entire period up to the time of its submission.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.